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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,731	02/03/2004	Daniel M. Dunson	E58590.005	9996

44093 7590 09/12/2006

ELEY LAW FIRM CO.
7870 OLENTANGY RIVER RD
SUITE 311
COLUMBUS, OH 43235

EXAMINER

LAUX, JESSICA L

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/770,731

Applicant(s)

DUNSON ET AL.

Examiner

Jessica Laux

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/03/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/02/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1, 14, 20, 25, 29, 31, 37, 51 and 59 objected to because of the following informalities:

Claim 1 – Line 12 recites the limitation “the object”, there is lack of antecedent basis for this in the claims;

Claim 14 – change “access” to “first access” for clarification;

Claim 20 – Line 2 recites the limitation “the object”, there is lack of antecedent basis for this in the claims;

Claim 25 – Line 1 recites the limitation “second access area”, there is lack of antecedent basis for this in the claims. For examination it will be interpreted that second should be first;

Claim 29 – Line 2 recites the limitation “several... first or second side sections”, there is lack of antecedent basis for this limitation in the claim as only “a first” and “a second” side section are claimed;

Claim 31 – Lines 8 and 9 recited the limitation “the object”, there is lack of antecedent basis for this in the claims;

The preamble is drawn to forming an object enclosing system, however line 14 refers to an assembled system, which is inconsistent as forming and assembling are not necessarily the same.

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Claim 37 – Line 17 recites “sections”, there is lack of antecedent basis in the claims for plural sections as only a closing portion section has been claimed, change to “section”;

Claim 51 – Line 1 recites the limitation “second access area”, there is lack of antecedent basis for this limitation in the claim. Based on examiners best understanding it will be interpreted that claim 51 depends from claim 43 and “second” should be “third”.

Claim 59 – Examiner suggests changing the step of 59 to more clearly state that is further modifying the step of claim 57 and not adding a new step depending from 57.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 15, 24, 26, 31, 33, 37, 53, 54, 55, and 58 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 15, 31, 33, 37, 53, 54 and all claims depending therefrom – These claims state “adjacent section of the first and second side portions” and “adjacent sections of the closing portion”. It is unclear what adjacent sections are being referred to as only “a first side”, “a second side” and “a closing portion” are claimed. Further it is unclear whether the claim states adjacent section of the first and adjacent sections of the second or the first and second be adjacent. If the latter is what is meant then it is

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unclear how the first and second portions can be adjacent and have a front portion connected to both. Appropriate correction is required.

Claim 24 – It is unclear how the first access area can comprise something that has been removed (i.e. no longer comprising).

Claim 55 – It is unclear whether claim 55 “further comprises the step of providing a first access area” (different than the first access area provided in claim 54) or whether the claim “comprises step h further providing the first access area located in the rear portion...”. As best understood by the examiner it will be interpreted that the latter is what is meant.

Claim 58 – It is unclear whether claim 58 “further comprises the step of providing generally planar hinged sections”, (different than the hinged sections provided in claim 57), or if the step of providing as in claim 57 “further comprises (the same hinged or sections) being generally planar”. As best understood by the examiner, it will be interpreted that the latter is what is meant.

Claims 1 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: the claim is drawn to a system comprising various elements, but is not drawn to the connection or assembly of the parts, yet line 21 recites “ the assembled system”, which is lacks is inconsistent.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 11, 13-15, 20, and 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by T.C. Donnahue (2751635).

Regarding claim 1: A system for providing an enclosure, the system comprising:

- a) a first side portion having vertical edges and comprising at least one section (24);
- b) a second side portion having vertical edges and comprising at least one section (25);
- c) a front portion having vertical edges and comprising at least one section connected to the first and second side portions (64 and 65; Col. 4, lines 57-60);
- d) a rear portion having vertical edges and comprising at least one section connected to the first and second side portions (64 and 64; Col. 4, lines 57-60);
- e) a separate base (Figure 3, 27) in contact with a base receiving surface (the surface the enclosure is placed upon);
- f) a closing portion, comprising at least one section wherein the at least one section has vertical edges (26);
- g) the front portion, rear portion, first and second side portions, the separate base, and closing portion are adapted to be connected to define an area for enclosing an object (Figure 1);

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- h) stiffening devices extending from each of the first and second side portions and the closing portion (where each panel as a portion of the hinge (28, 48, 49, 52, 53, 56) i.e. stiffening device, extending from it);
- i) fasteners (143) coupling the first and second side portions to the separate base and the first and second side portions to the closing portion via the stiffening devices (where the hinge device fastens the portions together with hinge pin (143) via the stiffening devices (142 and 143);
- j) securing devices coupled to the vertical edges of adjacent sections of the first and second side portions and the vertical edges of adjacent sections of the closing portion together (Figures 4 and 5; Col. 4, lines 24-37; Figures 11 and 13); and
- k) a first access area (where element 20 comprises a first access area in that it is an area that can be accessed);

wherein the assembled system provides an enclosed space.

Regarding claim 2: The system of claim 1, further comprising connectors located between the closing portion and the first and second side portions such that the fasteners also pass through the connectors to couple the side portions to the closing portion (Figures 22 and 23, where the fastener 143 passes through the connectors (141 and the fastener carrying portion of element 140).

Regarding claim 3: The system of claim 1 wherein the first access area is located in the rear portion of the system (where element 20 is in the rear when viewed

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from a position facing element 23) and comprises first and second hinged sections (elements 28).

Regarding claim 4: The system of claim 3 wherein each hinged section comprises a corner section, a panel section, and a cap section (Figures 22 and 23, where the fastener receiving portion of 140 is a corner section in that is at the corner of the assembled enclosure and the other portion of 140 and 142 are panel sections in that they attach to the panel and portions of 143 extending between 140 are cap sections in that elements 141 cap them).

Regarding claim 5: The system of claim 1 further comprising a second access area (where element 23 comprises a second access area in that it is an area that can be accessed) located in the front (where element 23 is in the front when viewed from a position facing element 23) portion of the system comprising first and second hinged sections (52).

Regarding claim 6: The system of claim 1, further comprising a third access area (where element 21 comprises a third access area in that it is an area that can be accessed) located in one of the side portions (where the area of element 21 is between the side portions of element 21) comprising first and second hinged sections (48 and 49 have first and second hinge portions).

Regarding claim 7: The system of claim 6 wherein the third access area comprises patterned stiffening devices (in that stiffening device portions of elements 48 and 49 are arranged in a diagonal pattern).

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Regarding claim 8: The system of claim 6 wherein the third access area is located in one of a plurality of positions in one of the side portions (where the third access area could be any one of elements 21 or 22 providing a plurality of positions for the third access area).

Regarding claim 11: The system of claim 1 wherein the stiffening devices are formed as ribs integral (they are integral in that they are essential or necessary for completeness, Webster's II Dictionary Third Edition). It is noted that the limitation "are formed" is considered a product by process in an apparatus claim and is therefore considered a capability limitation in the claim. As long as the prior art is capable of being formed as claimed the prior art anticipates the claimed limitations.

Regarding claim 13: The system of claim 1 further comprising ventilated caps (95 and Col. 5, lines 40-48).

Regarding claim 14: The system of claim 1 wherein the access area is ventilated (Col. 5, lines 40-48).

Regarding claim 15: The system of claim 1 wherein the stiffening devices located on the edges of the adjacent sections of the first and second side portions and the edges of the adjacent sections of the closing portions have complementary shapes that mechanically interconnect before receiving the securing devices (where Figures 22 and 23 depicted stiffening devices that have complementary shapes).

Regarding claim 20: The system of claim 1, further comprising a fourth access area (where element 22 comprises a third access area in that it is an area that can be accessed) located in one of the first and second side portions (where the area of

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element 22 is between the side portions of element 22) for accessing a battery of the object (where the area is capable of providing access to a battery).

Regarding claim 22: The system of claim 1, further comprising at least one additional access area (where element 22 comprises a third access area in that it is an area that can be accessed) located in one of the first and second side portions (where the area of element 22 is between the side portions of element 22) to receive cords of electrical devices (where the area is capable of receiving cords of electrical devices).

Regarding claim 23: The system of claim 1 wherein the first access area comprises patterned stiffening devices (in that stiffening device portions of element 20 are arranged in a diagonal pattern).

Regarding claim 24: The system of claim 1 wherein the first access area comprises removed front sections (in that the front section has been removed to accommodate elements 21, 22 and 23, but would otherwise have front sections 64 and 65).

Regarding claim 25: The system of claim 1 wherein the second access area comprises patterned stiffening devices (in that stiffening device portions of element 21 are arranged in a diagonal pattern).

Regarding claim 26: A system for providing a portable enclosure, comprising:

- a) a front portion having vertical edges (64 and 65);
- b) a rear portion having vertical edges (64 and 65);
- c) a first access area (20, in that it is an area that can be accessed); and

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d) hoop sections (sections 20, 21, 22, 23) positioned between the front portion and rear portion (Figure 1), each of the hoop sections comprising:

i) a first separate base section (the bottom panel) in contact with a base receiving surface;

ii) a first side section (one of the side panels, ex. 25) coupled to the first separate base section;

iii) a closing portion section (the top panel);

iv) a first connector section coupling the first side section to the closing portion section (ex. connector 28);

v) a second connector section (the connector diagonal from connector 28, not depicted);

vi) a second side section (ex. the panel opposite 24), the second connector section coupling the closing portion section to the second side section; and

vii) a second separate base section coupled to the second side section and in contact with the base receiving surface (the same features of 20 apply to the second side section 21),

wherein the assembled system provides an enclosed space.

Regarding claim 27: The system of claim 26 wherein a predetermined length of the system is assembled based on varying the number of hoop sections (Figure 1 and 2; Col. 4, lines 38-39).

Regarding claim 28: The system of claim 26 wherein the first access area is located in the rear portion of the system (where element 20 is in the rear when viewed from a position facing element 23) and comprises first and second hinged sections (element 28 and the hinged sections directly diagonal, not depicted).

Regarding claim 29: The system of claim 26, further comprising a second access area (21) located in one of the side sections (in that the area of 21 is between the two side panels of 21), wherein the second access area replaces several of the first or second side sections of the hoop sections and wherein the second access area is comprised of first and second hinged sections (48 and 49). It should be noted that the limitation that the second access area replaces is considered a method step and as such is not given patentable consideration in an apparatus claim. As long as the apparatus is the same as or obvious from an apparatus of the prior art the claim is unpatentable even though the prior art has a different method.

Regarding claim 30: The system of claim 26, further comprising a third access area (23) located in the front portion, wherein the third access area comprises first and second hinged sections (23 and 53).

Claims 1, 9-10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by L.L. Knox (1267084).

Regarding claim 1: Knox discloses a system for providing an enclosure, the system comprising:

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- a) a first side portion having vertical edges and comprising at least one section (Figure 2, comprising studs 2 and sheathing 16);
- b) a second side portion having vertical edges and comprising at least one section (comprising studs 2 and sheathing 16);
- c) a front portion having vertical edges and comprising at least one section connected to the first and second side portions (studs 10 and sheathing);
- d) a rear portion having vertical edges and comprising at least one section connected to the first and second side portions (comprising studs 2 and sheathing);
- e) a separate base (4) in contact with a base receiving surface (23);
- f) a closing portion (elements 14 and 15 and the top sheathing 16), comprising at least one section wherein the at least one section has vertical edges (where 14 and 15 have vertical edges);
- g) the front portion, rear portion, first and second side portions, the separate base, and closing portion are adapted to be connected to define an area for enclosing an object (Figure 1);
- h) stiffening devices (Figure 5, elements 21 and 17) extending from each of the first and second side portions and the closing portion;
- i) fasteners (Figure 5 the bolts connecting the side and closing portions to the stiffening devices whereby the side portions, the base and the closing portion are coupled via the stiffening devices);

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j) securing devices (where Figure 8 shows coupling devices, bolts, securing edges of the adjacent section of sheathing 16 together; far left) coupled to the vertical edges of adjacent sections of the first and second side portions and the vertical edges of adjacent sections of the closing portion together; and

k) a first access area (door 11);

wherein the assembled system provides an enclosed space.

Regarding claims 9 and 10: Regarding claim 9: The system of claim 1 wherein the separate base is coupled via a coupling material or device (Col. 3, lines 6-7, where the material or device is a spike or bolt) to the base receiving surface.

Regarding claim 17: The system of claim 1 wherein the closing port is curved (Figure 1).

Claims 37-39, 44-49 and 52 are rejected under 35 U.S.C. 102(b) as being anticipated by Schaffer et al. (3566554).

Regarding claim 37: Schaffer discloses a portable enclosure, comprising:

- a) a separate base (12) in contact with a base receiving surface (the top of 11);
- b) a first side portion (40) coupled to the separate base, having vertical edges (60) and comprising at least one section;
- c) a second side portion (40, opposite the first element 40) coupled to the separate base, having vertical edges (60) and comprising at least one section;

- d) a front portion (96 or 96 a and b) coupled to the separate base (via 90, Col. 5, lines 19-20), having vertical edges (86) and comprising at least one section connected to the first and second side portions (Figures 1 and 2);
- e) a rear portion (84 or 84 a and b) coupled to the separate base, having vertical edges and comprising at least one section connected to the first and second side portions (same as front panel);
- f) at least two horizontal frame members (49, Figure 3)) extending between the front portion and the rear portion (Figure 1);
- g) an arched closing portion (22), comprising at least one section extending between the horizontal frame members, where in the at least one section has vertical edges (26);
- h) attachment means for coupling the first and second side portions to the separate base (62) and the first and second side portions to the horizontal frame members;
- i) attachment means (32) for coupling the closing portion section to the horizontal frame members;
- j) securing devices (48, where bolts are used to secure the entire enclosure) coupled to the vertical edges of adjacent sections of the first and second side portions and the vertical edges of the adjacent section of the closing portion together and;
- k) a first access area (94),

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wherein the front portion, rear portion, first and second side portions, separate base, and closing portion are adapted to be connected to define an enclosed space.

Regarding claims 38 and 39: The portable enclosure of claim 37, where in the first access area is located in the rear portion of the system and comprises generally planar first and second hinged sections (Col. 5, line 25, where it is inherent that a hinge have first and second section, each being generally planar, the first being one side and the second being the other side of the hinge, where the two sides are operable to rotate).

Regarding claims 44 and 45: The portable enclosure of claim 37 wherein the separate base is coupled via coupling/ device (14) to the base receiving surface.

Regarding claim 46: The portable enclosure of claim 37, further comprising at least one ventilation port (54).

Regarding claim 47: The portable enclosure of claim 37, further comprising at least one access port (56).

Regarding claim 48: The portable enclosure of claim 37, further comprising braces (28, where the flange braces the closing portion on top of the front and rear portions) capable of supporting the closing portion.

Regarding claim 49: The portable enclosure of claim 37 where in the separate base further comprises a mat (the entire structure 11, where a mat can be defined as a large slab usually of reinforced concrete used as the supporting base of a building; Merriam-Webster Online Dictionary).

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Regarding claim 52: The portable enclosure of claim 37, further comprising a plurality of tire supports (13, where flange 13 is capable of supporting tires).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over T.C. Donnahue (2751635) in view of Skov et al (6701678).

Regarding claim 19: Donnahue discloses the enclosing system of claim 1 above, but does not address the type of material the system is manufactured from. Skov et al. discloses an enclosure system that is designed for ease of transportation and is lightweight. The enclosure of Skov is manufactured from polymer materials (Col. 3, lines 48-55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the enclosing system of Donnahue to be manufactured from polymer materials as disclosed by Skov as both inventions provide an enclosure that is concerned with being light weight and easily transported, and polymer materials are easy to manufacture and cost effective and provide a lightweight structure.

Claims 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over T.C. Donnahue (2751635).

Claims 31 and 32 merely recite the obvious method of forming the enclosing system of claims 1-8, 1, 13-15, 20, and 22-30 above. T.C. Donnahue discloses the enclosing system of the claims as above and applicant has not disclosed that the steps of "providing" and "coupling" provide an advantage or solve a stated problem, therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form the enclosing system of applicant's invention by the steps of "providing" and "coupling" as those steps are obvious and known in the art as it pertains to forming enclosures.

Claims 43, 50-51, 54-56, 60-67, and 69-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schaffer (3566554).

Regarding claim 43: Schaffer discloses the enclosure as in claim 37 above, but does not disclose the enclosure having a third access area located in the front portion of the system and comprising first and second hinged sections. However Schaffer does disclose that the front and rear portions can be made of two panels (84 a and b), where one of the panels (84b) comprises an access area (a door) having first and second hinge sections as stated above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have both the front and rear portions comprise panels (84 a and b) with panel 84b comprising a door, providing a first and third (the panel 84b in the front portion), for the purposes of providing a second egress from the enclosure as most building codes require more than one egress.

Regarding claims 50-51: Schaffer discloses the portable enclosure as above having first and second access areas (being doors to an exterior), but does not disclose that the first and third access areas further comprise weather stripping. It would have been obvious, to one of ordinary skill in the art, at the time the invention was made to modify the access areas of Schaffer to have weather stripping as it is well known for doors leading to an exterior to have weather stripping for the purposes of insulation and waterproofing.

Claims 54-56, 60-67, and 69-70 merely recite the obvious method of providing and forming the enclosing system of claims 37 and depending as above. Schaffer discloses the enclosing system as above and applicant has not disclosed that the steps of "providing", "coupling", and "extending" provide an advantage or solve a stated problem in the art, therefore it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to form the enclosing system of applicant's invention by the steps of "providing", "coupling", and "extending" as those steps are obvious and known in the art as it pertains to forming enclosures.

Allowable Subject Matter

Claims 12, 16, 18, 21, 33-36, 40-42, 53, 57-59, 68, and 71 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jessica Laux whose telephone number is 571-272-8228. The examiner can normally be reached on Monday thru Friday, 8:30am to 4:00pm (est).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Naoko Slack can be reached on 571-272-6848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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08/30/2006


N. Slack
SPE